

## Message Text

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R 211944Z JAN 75

FM SECSTATE WASHDC

TO AMEMBASSY PARIS

AMEMBASSY LONDON

AMEMBASSY SUVA

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E.O. 11652: N/A

TAGS: PFOR, EINV, UK, FR, NH

SUBJECT: NEW HEBRIDES LAND PROBLEMS

1. DURING MEETING WITH SECRETARY ON DECEMBER 17, 1974, SENATOR INOUE DISCUSSED PLIGHT OF APPROXIMATELY 3,000 AMERICAN (LARGELY HAWAIIAN) LAND-PURCHASERS IN NEW HEBRIDES WHO HAVE BEEN PREVENTED FROM REGISTERING THEIR LAND TITLES BY RETROACTIVE APPLICATION OF SUBDIVISION REGULATIONS. POINTING OUT THAT MANY OF THESE PURCHASERS STAND TO LOSE A SUBSTANTIAL PORTION OF THEIR SAVINGS BECAUSE THEY CURRENTLY CAN NEITHER RE-SELL NOR THEMSELVES USE PROPERTY, INOUE SAID HE WOULD LIKE TO FIND PRACTICAL AND HOPEFULLY QUICK RESOLUTION WHICH WOULD ALLOW PURCHASERS TO RECOUP AS MUCH OF THEIR INVESTMENT AS POSSIBLE. APPARENTLY ON BELIEF THAT IT IS INFLUX OF AMERICANS RATHER THAN FOREIGNERS IN GENERAL THAT BRITISH-FRENCH OBJECT TO,

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INOUE PROPOSED THAT AMERICANS BE PERMITTED TO REGISTER

THEIR PURCHASES, NOT TO TAKE POSSESSION, BUT SOLELY FOR PURPOSE OF RESALE TO BUYERS ACCEPTABLE TO CONDOMINIUM GOVERNMENT. SECRETARY INDICATED DEPARTMENT WOULD RAISE ISSUE AND PRESENT INOUE'S PROPOSAL TO BRITISH AND FRENCH THROUGH THEIR EMBASSIES HERE.

2. ACCORDINGLY, DEPARTMENT (EA DEP ASST SEC GLEYSTEN) CALLED IN UK AND FRENCH EMBOFFS FOR SEPARATE MEETINGS TO CONVEY USG CONCERN, TO REQUEST SYMPATHETIC CONSIDERATION OF HMG AND GOF, AND TO PRESENT INOUE'S PROPOSAL FOR

CONSIDERATION WITHOUT FORMAL DEPARTMENT ENDORSEMENT. HMG AND GOF ARE BOTH NOW AWARE OF INOUE'S AND SECRETARY'S INTEREST IN WORKING OUT SOME RESOLUTION FOR AMCITS INVOLVED. WE EXPRESSED UNDERSTANDING OF LOCAL NEW HEBRIDIAN POLITICAL PROBLEMS WHICH MIGHT ARISE FROM PURCHASE OF LAND AND IMMIGRATION BY FOREIGNERS, AND ACKNOWLEDGED THAT PRIVATE LITIGATION IS CURRENTLY PENDING; BUT INDICATED THAT WE HOPED THAT REASONABLE SOLUTION COULD BE WORKED OUT FOR INNOCENT LAND-PURCHASERS WITHOUT AWAITING UNCERTAIN OUTCOME OF WHAT MIGHT BE PROTRACTED LITIGATION.

3. HMG AND GOF HAVE YET TO RESPOND TO OUR DISCUSSIONS, THOUGH UK EMBASSY HAS INDICATED PESSIMISM ABOUT ANY CHANGE IN NEW HEBRIDES LAND AND IMMIGRATION POLICY. WE ARE SOMEWHAT SKEPTICAL THAT INOUE'S SPECIFIC PROPOSAL WOULD BE VERY SATISFACTORY TO LAND PURCHASERS BECAUSE PROPERTY PROBABLY COULD NOT BE RESOLD EXCEPT AS LARGE BLOC FOR NON-RESIDENTIAL PURPOSES, WHICH WOULD ALMOST SURELY MEAN A RESALE PRICE CONSIDERABLY LESS THAN SUM OF PURCHASE PRICE PAID FOR INDIVIDUAL LOTS.

4. FYI: AN UNSTATED PREMISE OF OUR INFORMAL EFFORTS AT THIS STAGE IS THAT USG MAY BE IN POSITION FORMALLY TO ALLEGE DENIAL OF JUSTICE IF NOTHING COMES OF THESE DISCUSSIONS OR LAWSUITS. SUCH A FORMAL USG CLAIM, IF WE ULTIMATELY DECIDE WE CAN MAKE IT, WOULD AT LEAST BE EMBARRASSING TO HMG AND GOF, EVEN IF IT DID NOT PRODUCE ANY GREATER MONETARY SETTLEMENT FOR LAND PURCHASERS. LIMITED OFFICIAL USE

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END FYI.

5. WE WILL CONTINUE TO HANDLE THIS MATTER IN WASHINGTON FOR TIME BEING, BUT WISH ADDRESSEES TO BE AWARE OF DEVELOPMENTS IN THIS SMALL BUT NAGGING PROBLEM.

6. MEMCONS OF MEETINGS WITH UK AND GOF EMBOFFS BEING POUCHED TO ADDRESSEES.

7. FOR PARIS: INOUE ASSISTANT BILL WEEMS SAYS THAT  
LITIGATION IN FRENCH COURTS COULD BE NEARING DECISION,  
AND DECISION FAVORABLE TO PLAINTIFFS WOULD RESULT IN  
INVALIDATING OF LAND REGULATIONS BY INVALIDATING AUTHOR-  
ITY OF FRENCH PART OF CONDOMINIUM GOVERNMENT TO SIGN  
REGULATIONS. REQUEST YOU CHECK WITH AMALGAMATED LAND  
FRENCH ATTORNEY MARTIN-MARTINIERE ON PROGRESS AND OBJECT  
OF SUIT IN FRENCH COURTS. KISSINGER

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